

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JUSTIN DUFOE, on Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

v.

DRAFTKINGS INC., JASON D. ROBINS,
JASON K. PARK, and MATTHEW KALISH,

Defendants.

Case No. 23-cv-10524-DJC

CLASS ACTION

Honorable Judge Denise J. Casper

**LEAD PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND
APPROVAL OF PLAN OF ALLOCATION**

PLEASE TAKE NOTICE that on July 30, 2025 at 3:00 p.m. at the United States District Court for the District of Massachusetts, at the John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Boston, Massachusetts 02210, Lead Plaintiff Justin Dufoe, on behalf of the Class, will respectfully move this Court, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, for entry of orders: (a) granting final approval of the proposed Settlement; and (b) approving the proposed Plan of Allocation.

PLEASE TAKE FURTHER NOTICE that, in support of its motion, Lead Plaintiff submits and is filing herewith: the Memorandum of Law in Support of Lead Plaintiff's Motion for Final Approval of Class Action Settlement and Plan of Allocation; the Declaration of Anthony F. Fata in Support of Lead Plaintiff's Motion for Final Approval of Class Action Settlement and Plan of Allocation; the Declaration of Kathleen M. Brauns Regarding Implementation of the Settlement Notice Program; and the Declaration of Justin Dufoe in Support of (i) Lead Plaintiff's Motion for Final Approval of Class Action Settlement and Plan of Allocation and (ii) Lead Counsel's Motion for Attorneys' Fees, Litigation Expenses, and Service Award to Lead Plaintiff.

Defendants do not oppose the relief requested in this Motion.

A proposed order will be submitted with Lead Plaintiff's reply submission on July 23, 2025.

Dated: June 25, 2025

Respectfully submitted,

KIRBY McINERNEY LLP

/s/ Anthony F. Fata

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Additional Counsel for Lead Plaintiff Dufoe

CERTIFICATE OF SERVICE

I, Anthony F. Fata, hereby certify that on June 25, 2025, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using CM/ECF. Copies of the foregoing document will be served upon interested counsel via transmission of Notices of Electronic Filing generated by CM/ECF.

Dated: June 25, 2025

/s/ Anthony F. Fata
Anthony F. Fata